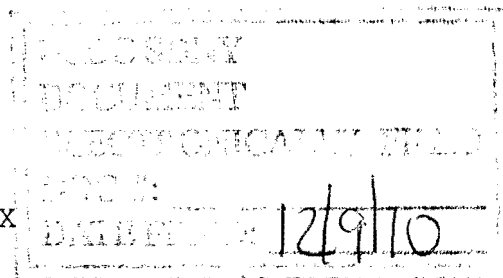


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
RESQNET.COM, INC.,

Plaintiff,

01 Civ. 3578 (RWS)

- against -

OPINION

LANSA, INC.,

Defendant.  
-----X

**Sweet, D.J.**

Plaintiff ResQNet.com, Inc. ("ResQNet") has moved in limine to preclude Defendant Lansa, Inc. ("Lansa") from offering evidence on or relitigating the issue of infringement, objecting to admission of the Zephyr and Seagull licenses, and offering expert testimony on damages. Defendant Lansa has also moved in limine to exclude the testimony and expert report of ResQNet's expert witness, Dr. Jesse David. For the foregoing reasons, all motions are denied.

In a Memorandum Opinion dated August 9, 2010, the Court held that "a hearing on damages is required, at which time

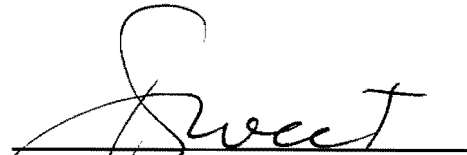
ResQNet and Lansa may submit relevant and reliable evidence on the issue of a reasonable royalty."

Because the nature and scope of actual infringement may be relevant in determining the proper royalty rate, Lansa may present evidence on that issue. Similarly, because the opinions of ResQNet's and Lansa's experts are relevant to this hearing and necessary for the determination of a reasonable royalty, both are permitted to offer expert testimony. At the hearing, the Court will determine what weight, if any, to give to the contents of these opinions, including, among other things, their respective analyses of the relevance of the Zephyr and Seagull licenses.

The parties are directed to appear for a hearing to determine an appropriate royalty rate on January 25, 2011 at 10 am in Courtroom 18C.

It is so ordered.

New York, NY  
December 8, 2010

  
ROBERT W. SWEET  
U.S.D.J.